

1 AN ACT in relation to civil procedure.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Code of Civil Procedure is amended by
5 changing Sections 2-202 and 9-117 as follows:

6 (735 ILCS 5/2-202) (from Ch. 110, par. 2-202)

7 Sec. 2-202. Persons authorized to serve process; Place of
8 service; Failure to make return.

9 (a) Process shall be served by a sheriff, or if the
10 sheriff is disqualified, by a coroner of some county of the
11 State. A sheriff of a county with a population of less than
12 1,000,000 may employ civilian personnel to serve process. In
13 counties with a population of less than 1,000,000, process
14 may be served, without special appointment, by a person who
15 is licensed or registered as a private detective under the
16 Private Detective, Private Alarm, Private Security, and
17 Locksmith Act of 1993 or by a registered employee of a
18 private detective agency certified under that Act. In
19 counties with a population of 1,000,000 or more, in forcible
20 entry and detainer cases only, process may be served, without
21 special appointment, by a person who is licensed or
22 registered as a private detective under the Private
23 Detective, Private Alarm, Private Security, and Locksmith Act
24 of 1993 or by a registered employee of a private detective
25 agency certified under that Act. A private detective or
26 licensed employee must supply the sheriff of any county in
27 which he serves process with a copy of his license or
28 certificate; however, the failure of a person to supply the
29 copy shall not in any way impair the validity of process
30 served by the person. The court may, in its discretion upon
31 motion, order service to be made by a private person over 18

1 years of age and not a party to the action. It is not
2 necessary that service be made by a sheriff or coroner of the
3 county in which service is made. If served or sought to be
4 served by a sheriff or coroner, he or she shall endorse his
5 or her return thereon, and if by a private person the return
6 shall be by affidavit.

7 (a-5) Upon motion and in its discretion, the court may
8 appoint as a special process server a private detective
9 agency certified under the Private Detective, Private Alarm,
10 Private Security, and Locksmith Act of 1993. Under the
11 appointment, any employee of the private detective agency who
12 is registered under that Act may serve the process. The
13 motion and the order of appointment must contain the number
14 of the certificate issued to the private detective agency by
15 the Department of Professional Regulation under the Private
16 Detective, Private Alarm, Private Security, and Locksmith Act
17 of 1993.

18 (b) Summons may be served upon the defendants wherever
19 they may be found in the State, by any person authorized to
20 serve process. An officer may serve summons in his or her
21 official capacity outside his or her county, but fees for
22 mileage outside the county of the officer cannot be taxed as
23 costs. The person serving the process in a foreign county may
24 make return by mail.

25 (c) If any sheriff, coroner, or other person to whom any
26 process is delivered, neglects or refuses to make return of
27 the same, the plaintiff may petition the court to enter a
28 rule requiring the sheriff, coroner, or other person, to make
29 return of the process on a day to be fixed by the court, or
30 to show cause on that day why that person should not be
31 attached for contempt of the court. The plaintiff shall then
32 cause a written notice of the rule to be served on the
33 sheriff, coroner, or other person. If good and sufficient
34 cause be not shown to excuse the officer or other person, the

1 court shall adjudge him or her guilty of a contempt, and
2 shall impose punishment as in other cases of contempt.

3 (d) If process is served by a sheriff or coroner, the
4 court may tax the fee of the sheriff or coroner as costs in
5 the proceeding. If process is served by a private person or
6 entity, the court may establish a fee therefor and tax such
7 fee as costs in the proceedings.

8 (e) In addition to the powers stated in Section 8.1a of
9 the Housing Authorities Act, in counties with a population of
10 3,000,000 or more inhabitants, members of a housing authority
11 police force may serve process for forcible entry and
12 detainer actions commenced by that housing authority and may
13 execute orders of possession for that housing authority.

14 (f) In counties with a population of 3,000,000 or more,
15 process may be served, with special appointment by the court,
16 by a private process server or a law enforcement agency other
17 than the county sheriff in proceedings instituted under the
18 Forcible Entry and Detainer Article of this Code as a result
19 of a lessor or lessor's assignee declaring a lease void
20 pursuant to Section 11 of the Controlled Substance and
21 Cannabis Nuisance Act.

22 (Source: P.A. 90-557, eff. 6-1-98; 91-95, eff. 7-9-99.)

23 (735 ILCS 5/9-117) (from Ch. 110, par. 9-117)

24 Sec. 9-117. Expiration of Judgment. No judgment for
25 possession obtained in an action brought under this Article
26 may be enforced more than 180 90 days after judgment is
27 entered, unless upon motion by the plaintiff the court grants
28 an extension of the period of enforcement of the judgment.
29 Plaintiff's notice of motion shall contain the following
30 notice directed to the defendant:

31 "Your landlord, (insert name), obtained an eviction
32 judgment against you on (insert date), but the sheriff
33 did not evict you within the 180 90 days that the

1 landlord has to evict after a judgment in court. On the
2 date stated in this notice, your landlord will be asking
3 the court to allow the sheriff to evict you based on that
4 judgment. You must attend the court hearing if you want
5 the court to stop the landlord from having you evicted.
6 To prevent the eviction, you must be able to prove that
7 (1) the landlord and you made an agreement after the
8 judgment (for instance, to pay up back rent or to comply
9 with the lease) and you have lived up to the agreement;
10 or (2) the reason the landlord brought the original
11 eviction case has been resolved or forgiven, and the
12 eviction the landlord now wants the court to grant is
13 based on a new or different reason; or (3) that you have
14 another legal or equitable reason why the court should
15 not grant the landlord's request for your eviction."

16 The court shall grant the motion for the extension of the
17 judgment of possession unless the defendant establishes that
18 the tenancy has been reinstated, that the breach upon which
19 the judgment was issued has been cured or waived, that the
20 plaintiff and defendant entered into a post-judgment
21 agreement whose terms the defendant has performed, or that
22 other legal or equitable grounds exist that bar enforcement
23 of the judgment. This Section does not apply to any action
24 based upon a breach of a contract entered into on or after
25 July 1, 1962, for the purchase of premises in which the court
26 has entered a stay under Section 9-110; nor shall this
27 Section apply to any action to which the provisions of
28 Section 9-111 apply; nor shall this Section affect the rights
29 of Boards of Managers under Section 9-104.2.

30 (Source: P.A. 86-1280.)